

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

|                                 |   |  |
|---------------------------------|---|--|
|                                 | ) | <b>Amended Complaint No. 98-100</b>            |
| <b>In the matter of:</b>        | ) | <b>Administrative Civil Liability</b>          |
|                                 | ) | <b>for</b>                                     |
| <b>Harout's Auto</b>            | ) | <b>Violations of the California Water Code</b> |
| <b>12276 A. Branford Street</b> | ) | <b>Section 13376</b>                           |
| <b>Sun Valley , CA 91352</b>    | ) |  |
|                                 | ) |  |

**YOU ARE HEREBY GIVEN NOTICE THAT:**

1. Harout's Auto is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Los Angeles Region (hereinafter, Regional Board), may impose civil liability pursuant to Section 13385 of the California Water Code (CWC).
2. Unless waived, a hearing on this matter will be held before the Regional Board during a public meeting on April 22, 1999 that begins at 9:00 a.m., in the City of Camarillo City Hall, 601 Carmen Drive, Camarillo, California. You and/or your representative(s) will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Board. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Regional Board will consider whether to affirm, reject or modify the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.
4. The State of California has adopted a General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The General Permit requires facilities to submit a Notice of Intent (NOI) if the facility presents an exposure threat to storm water runoff as prescribed by the General Permit.
5. On March 28, 1992, Harout's Auto (Permittee) filed an NOI signed by Mr. Harout Broutian to comply with the terms of the General Permit. By filing an NOI, the Permittee is required to comply with all terms and conditions of this General Permit, which includes submission of an annual report to the Regional Board, as well as implementation of an effective storm water pollution prevention plan.

6. The General Permit requires each permittee to submit an annual report by July 1 of each year. Regional Board records show that the Permittee has not submitted three annual reports due in years from 1996 through 1998.
7. On February 6, 1997, the Regional Board sent the Permittee a notice reminding the Permittee to submit the 95/96 annual report. On April 28, 1998, the Regional Board issued a Notice of Violation (NOV) to the Permittee for non-submittal of the 96/97 annual report. On August 17, 1998, the Regional Board sent a non-compliance letter to the Permittee for failure to submit the 97/98 annual report. On December 3, 1998, the Regional Board sent a Notice of Violation to the Permittee for non-submittal of the 97/98 annual report.
8. By failing to submit annual reports, the Permittee is in violation of the General Permit, the Federal Clean Water Act, and the California Water Code. Accordingly, on March 30, 1999, the Executive Officer of the Regional Board issued Complaint No. 98-100, an Administrative Civil Liability for WDID No. 4B19S0011903. The complaint alleged that the Permittee failed to submit annual reports from 95/96 through 97/98. The Executive Officer recommended a civil liability of \$7,500.00. This Amended Complaint removes the findings of violations under a different permit number (WDID No. 4B19S011903) for which Mr. Harout Broutian is responsible. This Amended Complaint is only applicable to WDID No. 4B19S004503.
9. The Permittee has been in violation of the General Permit for 1,000 days (July 2, 1996 to March 29, 1999) and is civilly liable for a total of 1,000 days of violation.
10. Section 13385(a)(2) of the CWC provides that any person who violates any waste discharge requirements issued pursuant to the Federal Water Pollution Control Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. The total maximum liability that may be assessed for this violation is \$10,000,000.00.
11. In determining any liability to be imposed, CWC Section 13385(e) requires the Regional Board to consider the following factors:
  - a. Nature, circumstances, extent, and gravity of the violations: The Permittee has been given sufficient notice to submit annual reports. The Permittee has not complied; therefore no reduction in the civil liability is warranted.
  - b. The ability to pay: The Regional Board lacks sufficient information to determine the Permittee's ability to pay. It is assumed, however, that the maximum liability of \$10,000,000.00 is in excess of the financial resources available to the Permittee. Therefore, a reduction in the civil liability is warranted.
  - c. Prior history of violations: The Permittee has been in violation for three years since July 2, 1996, when their first annual report was due. Therefore, no reduction in the civil liability is warranted.

- e. Economic benefit or savings: The Permittee realized cost savings by failing to perform required sampling and analyses and to prepare the annuals reports. Therefore, no reduction in the civil liability is warranted.
  - f. Other matters as justice may require: Staff time to prepare this Complaint is estimated to be \$900 (12 hours at \$75 per hour).
12. **Recommended Civil Liability:** Upon consideration of the foregoing factors as required by CWC Section 13385(e), the Executive Officer recommends a civil liability of \$7,500.00 for violation of the General Permit requirements from July 2, 1996 to March 29, 1999. This amount includes staff time valued at \$900.00.
13. **Amended Complaint No. 98-100:** Complaint No. 98-100, as issued March 30, 1999, is hereby rescinded. The findings and recommendation in this Amended Complaint No. 98-100 are hereby effective.
14. **WAIVER OF A HEARING:** The Permittee may waive the right to a hearing. If the Permittee wishes to waive the right to a hearing, please sign the attached waiver and return it, along with a check in the amount of \$7,500.00 (payable to the State Water Resources Control Board, Cleanup and Abatement Account). If you have any questions please contact Mr. Bryan Schweickert (213) 576-6786 or the Regional Board counsel, Mr. Jorge Leon, at (916) 657-2428.

---

Dennis A. Dickerson  
Executive Officer

Dated: April 12, 1999

**WAIVER OF THE RIGHT TO A HEARING**

- ☐ By checking the box, the Permittee waives its right to a hearing before the Regional Board with regard to the violations alleged in Amended Complaint No. 98-100. Harout's Auto understands that it is giving up its right to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the civil liability imposed. I understand that if an Administrative Civil Liability Order is adopted at the Regional Board meeting on April 22, 1999, payment will be due on May 22, 1999.

Signature:\_\_\_\_\_

Name:\_\_\_\_\_

Position:\_\_\_\_\_

Company:\_\_\_\_\_

Date:\_\_\_\_\_